A SELECTION OF CASES AND STATUTES ON THE PRINCIPLES OF CODE PLEADING. With Notes: Prepared for Use as a Text-Book in Law Schools. By Charles M. Hepburn. Cincinnati: W. H. Anderson & Co. 1901. pp. xxxvi, 651.

The book now before us is the completed volume of which some instalments have already received notice in these pages. 13 HARVARD LAW REVIEW, 531. The author states it as his purpose in making this collection of cases to facilitate the study at first hand of those statutes and decisions which embody the principles of code pleading. The first chapter covers briefly the origin, nature, and extent of code pleading. The second deals with the provision that there shall be but one form of civil action; and the third chapter, which comprises the major part of the book, is devoted to the question in whose name the civil action should be brought. This difficult topic of "the real party in interest," which is at once a matter of substantive and of adjective law, is carefully analyzed. The most important heads are those dealing with the rights of a beneficiary, rights upon the assignment of a chose in action, and the rights of the trustee of an express trust and other representatives. At the beginning of each chapter are given the code provisions which apply to the topic in hand; first, the leading original enactments, and then the present terms of the statutes in the various states. The cases that follow are well chosen and are supplemented by a number of valuable notes upon the more difficult points.

Perhaps the chief objection to this book is its length. When the topic of civil procedure at common law has been condensed into a case book of three hundred pages, it seems almost an absurdity to treat of code pleading, which was designed to simplify the common law procedure, in a volume of more than twice that size. Yet it cannot be said that more cases are given than is necessary, and it is rather upon the codes themselves that the blame is to be laid.

Although this professes to be a work on procedure Mr. Hepburn has occasionally wandered into the realms of substantive law. Such a work as this should be kept as much as possible within its own limits, yet it seems necessary to allow a certain amount of leeway, for some doctrines of substantive law and some leading principles of code pleading are so closely interknit as to be almost inseparable. Whether in the pressure of the more important branches of law, which make such large demands on the student's time, there is left room for the careful study of code pleading which such a case book as this demands, is not a question to be determined by the reviewer. Suffice it to say, however, that if such a work is needed the want is well filled by the present volume. Mr. Hepburn has succeeded in compiling an excellent case book on an admittedly difficult subject.

E. S. T.

A TRANSLATION OF GLANVILLE. By John Beames, Esq., with an introduction by Joseph Henry Beale, Jr. Washington, D. C.: John Byrne & Co. 1900. pp. xxxix, 306.

In this volume the publishers have reprinted the best English translation of Glanville's "Tractatus," etc., namely, that of Beames, which was issued in 1812. No alterations have been made in the original text. The notes are in every respect as they were, and the learned preface by the early editor is given at length. An introduction by Professor Beale,

of Harvard University, has, however, been added. In this the general history of the treatise and the author has been rewritten in the light of modern investigations. This introductory portion is divided into four chapters. The first is a biographical sketch of the traditional author, Ranulph de Glanville, and gives an outline of the principal events in his career. The second discusses the authorship of the "Tractatus." Professor Beale is inclined to compromise between the traditional view and Professor Maitland's suggestion that it was the work of Glanville's nephew and secretary, Hubert Walter. The view is advanced that the general outline was the idea of the chief justiciar, but the execution was left in large part to his secretary. This offers a very plausible solution to a problem on which the evidence is so scanty that no dogmatic opinion is permissible. The third part of the introduction deals with the character of the treatise itself, and outlines the reforms of Henry the Second. The fourth part gives a succinct account of the actual state of the law as it was in the middle and latter part of the twelfth century.

The present volume is the first of what is to be known as the "Legal Classic Series," whose purpose is to reprint standard translations of the earlier treatises on the law of England. The object of this is twofold: to enable all to procure a copy of such treatises, and to place them before the public in such a form that they can be read by the average practitioner, to whom the perusal of a Latin text would perhaps not be entirely satisfactory. Such a purpose cannot be too highly commended. Every American, whether he be a lawyer or not, should be familiar with the outlines of our legal as well as our political history. To accomplish this no method is more satisfactory than a careful reading of our earlier treatises. Moreover there are, and always must be, in a system like ours, many rules, which, considered from the point of view of reason alone, must seem, even to a lawyer, illogical and arbitrary in the extreme, but which can all be satisfactorily explained when the origin and history of each is known. H. F.

THE DEVELOPMENT OF LAW AS ILLUSTRATED BY THE DECISIONS RELATING TO THE POLICE POWER OF THE STATE. By W. G. Hastings. Reprinted from the Proceedings of the American Philosophical Society, vol. xxxix, no. 163. pp. 196.

This excellent and readable essay is that for which the Henry W. Phillips Prize of $2,000 was awarded by the committee of judges appointed by the American Philosophical Society for Promoting Useful Knowledge. The author finds the first use of the term "Police Power" in its present form in Marshall's opinion in *Brown* v. *Maryland* (1827), and in the various opinions delivered by the Supreme Court judges in *Mayor of New York* v. *Miln* (1837). Its subsequent adoption by the federal court in those decisions where state legislation seemed to clash with acts of Congress or the Constitution, and in all courts to denominate the regulating power, was due in large part, he tells us, to the vogue given to the phrase during the states-rights controversy. The author shows that the term is usually considered to include all the unclassified legislative power of the states — and chiefly the power of making regulations of all sorts. It is, he says, that "indefinite supremacy" left in the states after taking away the powers delegated to the federal government by the Constitution and those powers of the states which have specific